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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,807	11/16/2001	Gil Gavriel Dudkiewicz	051448.0201	1953

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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,807

Applicant(s)

DUDKIEWICZ ET AL.

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-16 and 20-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-16 and 20-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/2004 has been entered.

Claim Rejections - 35 USC § 112

2. Claims 1, 11, 35 and 40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 11, 35 and 40 state, "transmitting the metadata for ... to the television program receivers". After inspection of the Applicant's specification, page 23 discloses, "preliminary metadata is then provided (230) to a system user, typically a producer or other person involved with production of the programming event". Therefore, only the post-production system can receive metadata "before broadcast of the television program".

Therefore, for the remainder of this Office Action, the examiner will assume that the metadata is transmitted to the post-production system, before transmission of the broadcast program to the television receivers (discussed in Figure 11 and page 23 of the Applicant's specification).

The examiner notes, that page 15 of the Applicant argues (in the third paragraph) discusses that Hullinger does not "transmit the metadata to television program receivers before broadcast of the television program". From this passage, the examiner cannot determine if the Applicant is actually trying to claim the preliminary metadata process described in Figure 11 and page 23 of Applicant's specification or if the Applicant wishes to claim that the metadata is transmitted to a television receiver, such as STB. The examiner notes that no support was found for transmitting metadata to a STB or any type of client device, prior to the broadcast of the television program.

Response to Arguments

3. Applicant's arguments filed 12/22/2004 have been fully considered but they are not persuasive.

Regarding claims 1, 11, 35 and 40, the claims have been amended to express the limitation of transmitting metadata to a post-production system (see 112 rejection above) prior to the broadcast of the television program.

Hullinger teaches a post-production system that receives metadata from the capture machines 14, 16 and 18 in Figure 1 as well as from the ratings data 22 in Figure 1, and that this data is used to "optimize future newscasts to increase ratings" (see

Column 2, Lines 58-60). Therefore, the whole purpose of Hullinger is to receive the metadata and optimize the broadcast of television program (at the post-production system) before being sent to viewer's television program receiver.

In regards to claims 3 and 13, see again the rejection of claim 3, where Figure 6 clearly discloses a hierarchy of subject matter categories.

Similarly for claims 4-5 and 14-15, see the rejection below.

In regards to claims 35-44, the Applicant argues that Hullinger does not anticipate a system that processes production data to identify individual segments of a television program. The examiner disagrees and notes that Applicant clearly cited Column 9, Lines 49-67 and Column 10, Lines 1-15, where Hullinger teaches using the production data to identify individual segments of a television program, and that this process can be automated. The examiner notes, that the claim limitation only states, "processing", which is broad and does not specify an automated or computer controlled process. Therefore, meets the limitation, as well as receiving metadata prior to broadcast of the television program to television receivers (see arguments above).

In regards to claims 21-34, the Applicant argues that Hullinger does not teach candidate keywords, because the keywords described by Hullinger does not indicate a degree to which a category is descriptive of the word. Hullinger teaches in Table one that a Phrase, which is labeled by an ID, comprises counts of how many times a word, topic, talent, etc. is in the particular phrase. This value constitutes a score that is a degree of how descriptive and relevant the phrase is, in relation to those topics.

Therefore, Hullinger discloses the limitation of “represents a degree to which the category is descriptive of the candidate keyword”.

Applicant also argues that the examiner changes his position and treats Hullinger’s topics as candidate keywords. In the previous Office Action, the examiner cites Column 8, Lines 50-67 and Column 6, Lines 1-35 for selecting keywords from the candidate keywords (in the table at Column 9, Lines 1-13). Therefore, the examiner is addressing the “re-scoring” of the segments, which in turn selects keywords (which are now scored higher than others) from the candidate keywords (which are previously scored). Therefore, Hullinger meets the limitations of candidate keywords and keywords and the processing thereof, discussed in the previous Office Action.

Referring to claims 22 and 28, the Applicant states that Hullinger’s table does not contain a verb or a noun. From the previous Office Action, the examiner noted the words “visit” (verb) and “statue” (noun), therefore Hullinger meets the limitations of claims 22 and 28.

Referring to claims 23, 29 and 33-34, see the rejection made in the previous Office Action.

Therefore, Hullinger meets all of the limitations presented in claims 1-6, 10-16 and 20-44.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-44 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hullinger et al. (U.S. Patent No. 6,295,092).

Referring to claim 1, Hullinger discloses obtaining production data corresponding to the television program from a production system used in the production of the television program (see Column 3, Lines 47-50 for receiving data from a ratings server as well as broadcast data from the capture devices in Figure 1), prior to the broadcast of the television program (see arguments above).

Hullinger also discloses assigning respective numerical goodness of fit scores to respective predefined categories based on analysis of the production data to describe the subject matter of the television program, wherein the numerical goodness of fit scores assigned to a category represents a degree to which the category is descriptive of the subject matter of the television program (see Table I and Column 6, Lines 23-67 for assigning scores to predefined categories (Topic 1 through Topic N)).

Hullinger also discloses assigning keywords to the television program event based on analysis of the production data (see Column 5, Lines 63-67 and Column 6, Lines 1-11 providing a vocabulary table that contains keywords that are assigned (from the process described at Column 9, Lines 49-57 for creating the vocabulary table based on the analysis of the production data)).

Hullinger also discloses storing numerical goodness of fit scores and keywords for the television program in a computer readable medium in association with time data and descriptive data for the television program (see Column 3, Lines 58-59 for storing all production information received to server 20 in Figure 1) as the metadata describing the television program (see Column 3, Lines 60-61 for transmitting this information to a user interface for display to a user to describe the programming events).

Hullinger teaches a post-production system that receives metadata from the capture machines 14, 16 and 18 in Figure 1 as well as from the ratings data 22 in Figure 1, and that this data is used to "optimize future newscasts to increase ratings" (see Column 2, Lines 58-60). Therefore, the whole purpose of Hullinger is to receive the metadata and optimize the broadcast of television program (at the post-production system) before being sent to viewer's television program receiver (also note 112 rejection above).

Referring to claim 2, Hullinger discloses determining respective numerical goodness of fit scores corresponding to said categories for each of candidate keywords (note that keywords are also candidate keywords, the term "candidate" is broad and Hullinger discloses classifying these keywords according to their score, therefore all keywords before they are scored and processed according to there score (see Column 8, Lines 50-67 for re-scoring and classifying keywords for selection).

Referring to claim 3, Hullinger discloses that pre-defined categories are arranged in a hierarchy (see Figure 6) comprising at least a set of top-level categories ("General" level in Figure 6), respective sets of first level sub-categories each corresponding to and

encompassed by a top level category (see “KDKA”, “WTAE” and “WPXI” levels under the “General” level in Figure 6), and respective sets of second level sub-categories each corresponding to and encompassed by a first level sub-category (see time slot level under the station level and “General” level in Figure 6).

Referring to claim 4, Hullinger discloses determining a subset of fit scores and storing the fit scores comprises storing the subset of fit scores (see rejection of claim 3 for storing time subsets of scores on the third level of the hierarchy disclosed in Figure 6).

Referring to claim 5, Hullinger discloses that production data comprises rundown (data describing what is going to be aired at a specified time) data produced by the production system (see Column 6 again for the third level storing data (scores) on a specific time a station is airing a broadcast).

Referring to claim 6, Hullinger discloses that production data comprises script data (see Column 4, Lines 49-52 for storing closed caption (script) data).

Referring to claim 7, Hullinger discloses determining a time and duration of individual segments of a program described by the production data, which precedes assigning scores and keywords (see Column 7, Lines 46-51 for an example of determining time and duration of individual segments based on the score table tree hierarchy (the example provides a method for adding nodes to a tree for analyzing the first and last 15 minutes of a broadcast)).

Hullinger also discloses that metadata is generated using production data that is specific to an individual segment of said program such that the metadata is descriptive

of that individual segment (see Column 7, Lines 52-62 for creating metadata from the production data (CC text file created) according to segments of a broadcast).

Referring to claim 8, Hullinger discloses a preparer process 54 for processing the production data into a standard delimited format (see Column 5, Lines 8-12).

Referring to claim 9, see rejection of claims 5-6.

Referring to claim 10, Hullinger discloses selecting a predetermined number of assigned keywords for storage (see Column 7, Lines 29-32 for storing a subset of all text captured by the system).

Referring to claims 11-20, see rejection of claim 1-10, respectively.

Referring to claim 21, Hullinger discloses obtaining production data corresponding to the programming event from a production system used in the production of the programming event, the production data including descriptive information for the programming even (see rejection of claim 1).

Hullinger also discloses determining candidate keywords from the production data (see Column 4, Lines 44-49 for the parser process determining the keywords that will be scored (also note Column 5, Lines 63-67 and Column 6, Lines 1-12 and the example of a one-word vocabulary table created by the parser process)).

Hullinger also discloses providing the candidate keywords as respective inputs to a classification tool and generating for each of said candidate keywords a set of numerical goodness of fit scores each corresponding to a predefined category (see Table I and Column 6, Lines 25-67 for creating a score table), wherein the numerical goodness of fit score corresponding to a category represents a degree to which the

category is descriptive of the candidate keyword (see Column 6, Lines 35-43 for counting the number of occurrences of the candidate keyword in the program being parsed by the parser process 58).

Hullinger also discloses selecting keywords to represent the programming event from among said candidate keywords based on the set of numerical goodness of fit scores for each of said candidate keywords (see Column 8, Lines 50-67 and Column 6, Lines 1-35 for selecting keywords from the candidate keywords (in the table at Column 9, Lines 1-13) using goodness of fit scores corresponding to categories (Local, National or International) of the classification hierarchy (which is based on the score) for the candidate keywords).

Hullinger also discloses storing said keywords in a computer readable medium as a component of said metadata describing the programming event (see Column 9, Lines 36-41 for storing the data after the processing described above).

Referring to claim 22, Hullinger discloses determining verbs and nouns from the production data, and using these words as candidate keywords (see Column 9, Lines 1-13 for a table that contains captured phases, that contain both a noun ("Statue") and a verb ("visit"), which are used for re-scoring a newly combined segment).

Referring to claims 23, Hullinger discloses determining correlations between sets of numerical goodness of fit scores generated by providing said descriptive information for the programming event as input to said classification tool (see again Column 9, Lines 31-48 for re-scoring (correlating) information about segments, captured by the system and providing this data to a user interface (classification tool) for further viewing

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and editing). Hullinger also discloses discarding candidate keywords having low correlation (see Column 19, Lines 8-14 for discarding words that have only been encountered in the correlation once or twice).

Referring to claim 24, see again Column 19, Lines 8-14 for discarding words that have a low probability (low fit score) of being encountered, therefore, words that have a high probability (high fit score) of being encountered in the parsing process will be selected for further processing.

Referring to claim 25, see rejection of claim 9.

Referring to claim 26, see rejection of claim 7.

Referring to claims 27-32, see rejection of claims 21-26, respectively.

Referring to claims 33-34, see rejection of claim 3.

Referring to claims 35-39, see the rejection of claims 1 and 3-6, respectively.

Referring to claims 40-44, see the rejection of claims 1 and 3-6, respectively.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 15, 2005.

A handwritten signature in black ink, appearing to read "Jason S. Miller". The signature is written in a cursive, flowing style.